

VZCZCXRO0022
PP RUEHDBU RUEHFL RUEHLA RUEHMR RUEHROV RUEHSR
DE RUEHKB #0664 1501344
ZNY CCCCC ZZH
P 301344Z MAY 07
FM AMEMBASSY BAKU
TO RUEHC/SECSTATE WASHDC PRIORITY 3120
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUCNOSC/OSCE COLLECTIVE PRIORITY

C O N F I D E N T I A L BAKU 000664

SIPDIS

SIPDIS

E.O. 12958: DECL: 05/30/2017
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)
SUBJECT: FARHAD ALIYEV TRIAL UPDATE: SUBSTANTIVE HEARING
STARTS, OBSERVERS STILL BARRED

REF: BAKU 590

Classified By: DEPUTY CHIEF OF MISSION DONALD LU PER 1.4(B,D)

1. (SBU) The substantive hearing of former Minister of Economic Development Farhad Aliyev's trial began today, May 30. As in each session of the preliminary hearing, with the exception of two OSCE trial monitoring project staff members, all international observers and most journalists were barred access from the courtroom, again due to claims of insufficient space. (OSCE trial monitoring project staff were granted access based on a written request submitted to the Minister of Justice; we also have submitted a written request to the Minister of Justice, asking for his assistance to ensure that we, along with other international observers and a wide range of media outlets, are permitted access to all trial proceedings. We are awaiting his response.) We understand that the pro-government ATV, State TV, and Sas newspaper were the only journalists permitted entry. Aliyev's family members also were not permitted access to the courtroom. Aliyev, who was arrested in October 2005 on charges of corruption and of plotting a coup d'etat, faces charges of official corruption and embezzlement. Eighteen other defendants stand trial with him, including Aliyev's brother, former AzPetrol Oil Company President Rafiq Aliyev.

2. (C) In a May 25 meeting, Aliyev's lead defense attorney, Elton Guliyev, told Poloff that he was not surprised by court officials' refusal to allow observers and journalists into the courtroom. According to Guliyev, over the course of Aliyev's nearly 20-month detention, the GOAJ has violated due process and human rights standards at every juncture. The most egregious instance, Guliyev maintains, is the fact that although the GOAJ is prosecuting Aliyev on corruption charges - for which the maximum pre-trial detention allowed by law is 12 months - he was held for the duration of the pre-trial detention stipulated for coup-plotting charges, 18 months. (The coup-plotting charges against Aliyev still stand.)

3. (C) According to Guliyev, the text of Aliyev's charges comes to more than 100,000 pages. Further, Aliyev's defense attorneys have not been permitted to remove these volumes from the courthouse, and although legally they may make copies, because the equipment necessary to make copies is not allowed in the building, they have only been able to study Aliyev's charges in the courthouse. Coupled with the fact that the lawyers were permitted only 18 days to review the charges - during part of which the courthouse was closed for weekends and a holiday - Guliyev argued that Aliyev's defense has not been given sufficient time to prepare. Guliyev believes that this problem alone will be sufficient grounds for an appeal to the European Court of Human Rights. Additionally, only three of Aliyev's six lawyers have been allowed into the courtroom during trial sessions.

4. (C) Guliyev broke down the numerous charges against Aliyev into the following categories: misappropriation of privatization vouchers, selling privatized properties below the market value, and corruption. Guliyev maintains that the GOAJ has no proof of the corruption charges, and a weak case on the privatization matters. Regarding the coup-plotting charges, Guliyev said that although the GOAJ cannot present these charges during this trial, they can technically be resurrected at any point during the 15-year statute of limitations. However, Guliyev said that Aliyev will "never be tried for coup-plotting charges" because it is "ridiculous."

5. (C) COMMENT: We remain extremely concerned by the GOAJ's restrictions on access to the courtroom, however, we view the court officials' decision to permit access to OSCE's trial monitors as a step in the right direction. We are working with all relevant GOAJ officials to gain access to the trial, and are currently waiting for a response to the letter we sent to the Minister of Justice, in which we strongly requested his assistance to ensure courtroom access for us, other international observers, and a wide range of media outlets. In the meantime, we will continue to monitor the situation and report developments.

